

**Applicant:** Four Suns Development

**Agent:** Garlan Bryan Architect

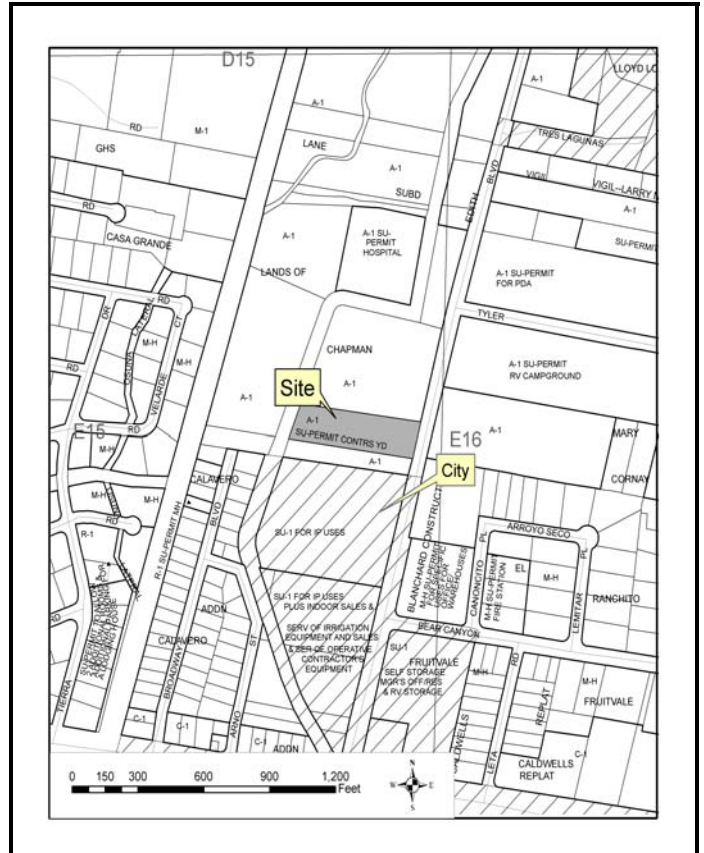
**Location:** 6813 Edith Blvd. NE

**Property Size:** 1.89 Acres (Approximately)

**Existing Zone:** A-1

**Proposed Request:** Special Use Permit for Contractor's Yard

**Recommendation:** Approval



**Summary:** The applicant is requesting a renewal of a Special Use Permit for a Contractor's Yard and office facility on a 1.89 acre (approximately) property located on the west side of Edith Boulevard, just north of Osuna Road. The initial Special Use Permit for a Contractor's Yard and Office Facility was granted October, 1993 with administrative approval granted for a mobile home for a watchman/caretaker in 1998. The Special Use Permit for this site expired October of 2000.

**Staff Planner:** Adella Gallegos, Associate Program Planner

- Attachments:**
1. Application
  2. Land Use Map
  3. Notice of Violation Dated April 21, 2006
  4. Site Plan (Commissioners Only)

Bernalillo County Departments and other interested agencies reviewed this application from 6/27/06 to 7/10/06. Agency comments were used in preparation of this report, which being on page 12.

**AGENDA ITEM NO.: 18**  
**County Planning Commission**  
**August 2, 2006**

CSU-60032 Garlan Bryan Architect, agent for Four Suns Development, requests approval of a Special Use Permit for a Contractor's Yard on Tract B, Lands of Chapman, located at 6813 Edith Boulevard NE, zoned A-1, containing approximately 1.89 acres. (E-15)

**AREA CHARACTERISTICS AND ZONING HISTORY**

**Surrounding Zoning & Land Uses**

<b>Site</b>	<b>Zoning</b>	<b>Land Use</b>
	A-1	Contractor's Yard and Office Facility
<b>North</b>	A-1	Vacant Land w/a Special Use for a Hospital
<b>South</b>	A-1 and City Special Use for IP Uses	A-1 – Vacant – detention pond City – Currently under construction of Industrial Park Operation
<b>East</b>	A-1 and Special Use Permits for RV Campground and Special Use for Specific Uses for Office/Warehouse	A-1 – Vacant w/unoccupied structures. Special Use Permit Sites – (1)RV Parking and Storage and (2) Office/Warehouse Uses
<b>West</b>	A-1	Vacant

**BACKGROUND:**

This is a request for renewal of a Special Use Permit for a Contractor's Yard and office facility located at 6813 Edith Boulevard NE just north of the Osuna Road and Edith Boulevard intersection. The subject site has been operating under a Special Use Permit since 1993. This request is a result of a violation (Attachment 3) where the Special Use Permit has expired. The initial Special Use Permit for a Contractor's Yard and Office Facility was approved on October 26, 1993 for seven years and has since expired.

**Request Justification**

In his submittal, the applicant contends that the contractor's yard and office facility has existed and operated on this site since 1993 and that the intent is to continue to operate the business according to County Ordinances. He further contends that the operation is appropriate and advantageous to the community in that the changed neighborhood conditions of a recent industrial park to the south and the existing residential uses to the north appear to serve as a transition between the two uses.

**Surrounding Land Use and Zoning**

The site is situated amid industrial/commercial uses primarily located on Edith Boulevard to the east and south of the site with low residential density to the west of the site. Directly adjacent to the site, on the south, exist a small strip of land zoned A-1 and two large tracts of land that are within the Municipal Limits zoned Special Use for Industrial Park Uses. The A-1 zoned strip appears to be currently used as a detention pond which separates the site from the industrial park development currently under construction within the Municipal Limits. Directly adjacent to the north and west exist A-1 zoning and a Special Use Permit for a Hospital. This 17.13 acre (approximately) site is substantially vacant and is currently pursuing approval of a Special Use Permit for a Cemetery (CSU-40004).

To the east of Edith Boulevard exist A-1 zoning with a Special Use Permit for an RV Campground and mobile home park (CSU-91-7, CZ-75-5). To the south of the RV campground, exist Special Use Permit for a Feed Store and Livestock Auction; however, the site appears to be mainly residential uses (CSU-70-82).

**APPLICABLE PLANS AND POLICIES:**

**Albuquerque/Bernalillo County Comprehensive Plan**

The site is located in the Semi-Urban Area as delineated in the Albuquerque/Bernalillo Comprehensive Plan. The principal goal is to maintain the character and identity of semi-urban areas which have environmental, social or cultural conditions limiting urban land uses.

**Policy a** states that "Development within the Semi-Urban area shown by a Plan map shall be consistent with development limitations imposed by topography, soil conditions, ground water quality, agricultural potential, flood potential, scenic qualities, recreation potential and existing development; overall gross density shall be up to 3 dwelling units per acres."

**Policy b** states that "Development in Semi-Urban areas shall include trail corridors, where appropriate, and shall be compatible with economic policies and historical and socio-cultural

values, and shall maintain and integrate existing and new buildings and spaces of local significance."

**Policy c** states, "The following policies shall govern industrial and commercial development in the Semi-Urban areas".

- Neighborhood-scale rather than regional-scale commercial centers are appropriate.
- Strip commercial development is discouraged in favor of clustered commercial development.
- Mixed-use areas should protect residential uses in the area, while offering a variety of local employment opportunities.
- Mineral extraction should be discouraged in highly scenic or prime recreational, agricultural, or residential areas.

#### **North Valley Area Plan**

This property is located within the Semi-Urban area of the North Valley Area Plan. The plan states that properties in this area may have special soil and water limitations or scenic, agricultural, or recreational assets, with the appropriate gross density at 1 to 3 dwelling units per acre.

Policy 2.a limits the location, duration and type of new uses allowed by Special Use Permit.

Policy 2.d requires landscape buffering and other measures necessary to limit potential impacts on non-residential uses on residential areas.

Policy 3.c states that the City and County shall promote commercial development and redevelopment of existing commercially zoned properties.

The property is also located within the Edith Boulevard Corridor Area of the Plan. The Edith Boulevard Corridor extends from Manual Blvd. to Roy/Tramway Rd. west to the Santa Fe Railroad and east to the Municipal Limits. The site is in the North Edith Boulevard Sub-Area that extends north from Ozona Road to the Sandier Reservation. This area is characterized mainly as rural. The Plan recognizes the trend toward heavy commercial and light industrial uses along Edith, especially to the south of Ozona Rd.

There are 847 acres in this portion of the Edith Corridor with approximately 55 acres in heavy commercial or manufacturing. The limited commercial activity contributes to the rural residential character of this area, as does the large amount of vacant land. Most of the non-residential uses are located just south of Paseo Del Norte. There is no vehicular access between Edith Boulevard and Paseo Del Norte; however, there is a railroad spur up to the North I-25 Corridor that is bordered with zoning for commercial and manufacturing uses. Policy 2.2.d requires landscape buffering and other measures are necessary to limit potential impacts of non-residential uses on residential areas.

Economic Development

The goal is to achieve steady and diversified economic development balanced with other important social, cultural and environmental goals.

Policy 6.b, states, "Development of local business enterprises as well as the recruitment of outside firms shall be emphasized."

**Bernalillo County Zoning Ordinance**

**Resolution 116-86** defines criteria for evaluating a Zone Map changes and Special Use Permit applications.

The following policies for deciding zone map changes and Special Use Permit applications pursuant to the adopted Bernalillo County Zoning Ordinance.

- A. A proposed land use change must be found to be consistent with the health, safety and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan of other Master Plans and amendments thereto including privately developed area plans which have been adopted by the Board of County Commissioners.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
  - 1. An error in the original zone map.
  - 2. Changed neighborhood conditions, which justifies a change in land use or
  - 3. That a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the Board of County Commissioners.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- H. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
  - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or

2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- I. A zone change request, which would give a zone different from the surrounding zoning to a strip of land along a street, is generally called a "strip zoning." Such a change of zone may be approved only when:
  1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
  2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

**Section 18. Special Use Permit Regulations.**

- A. By Special Use Permit after receipt of a recommendation from the Bernalillo County Planning Commission, the Board of County Commissioners may authorize the location of uses in any zone in which they are not permitted by other sections of this ordinance; the Bernalillo County Commission may likewise authorize the increase in height of buildings beyond the limits set by previous sections of this ordinance. With such permits, the Bernalillo County Commission may impose such conditions and limitations as it deems necessary:
  1. To ensure that the degree of compatibility of property uses which this section is intended to promote and preserve shall be maintained with respect to the special use on the particular site and consideration of existing and potential uses of property within the zone and the general area in which the use is proposed to be located;
  2. To ensure that the proper performance standards and conditions are, whenever necessary, imposed upon uses which are, or which reasonably may be expected to become, obnoxious, dangerous, offensive or injurious to the health, safety, or welfare of the public, or a portion thereof, by reason of the emission of noise, smoke, dust, fumes, vibration, odor, or other harmful or annoying substances;
  3. To preserve the utility, integrity and character of the zone in which the use will be located, without adversely affecting adjacent zones; and
  4. To ensure that the use will not be or become detrimental to the public interest, health, safety, convenience, or the general welfare.

In certain situations based on unique conditions, and where there is evidence of substantial support from the affected neighborhood residents and/or property owners within 100 feet, a Special Use Permit may be recommended for approval by the Board of county Commissioners for any of the specific uses set forth in Section 12, 13, 14, 15, 16, 17, and 18 of the Bernalillo County Zoning Ordinance. The Special Use Permits may be considered by the County Planning Commission only after it has been determined that the requested zone is inappropriate, and that unique conditions and substantial neighborhood support exist.

**Section 19: Landscaping and Buffer Landscaping Regulations:**

Where a nonresidential zone which is hereafter developed for a business purpose abuts a residentially zoned property, special buffer landscaping is required to minimize noise, lighting and sight impact of the nonresidential activities in the residential area.

- A. Landscaping and buffer landscaping will be required in all zones for office, commercial, industrial, and multifamily residential uses; R-1, A-1, A-2 and M-H residential uses are exempt.
  - 1. Sites of one acre or less:
    - a. There shall be a landscaped setback along all streets of no less than ten feet.
    - b. There shall be a landscaped buffer of six feet between single-family residential uses and office, commercial, industrial, and multifamily residential uses.
    - c. Fifteen percent of all paved areas shall be landscaped. The landscaped setback shall contribute toward this requirement.
  - 2. Sites one acre and up to five acres. There shall be a landscaped setback along all streets of no less than 15 feet. All other requirements same as 1.b. and 1.c. above.
- B. In a nonresidential zone, a solid wall or a solid fence at least six feet high shall be erected on sides abutting a single-family residential use, except for those sides abutting public right-of-way.
- E. Landscaping which dies shall be replaced by the property owner who is obligated to provide it as expeditiously as possible, but in no case longer than 30 days after notification. If the 30-day period falls at a time of the year when planting of landscaping is inadvisable, a waiver may be granted by the Zoning Administrator to allow planting at the earliest possible time. The waiver and date of the planting deadline shall be recorded by the County Zoning Office.
- G. Parking spaces within a parking lot shall be no more than 50 feet from a tree.
- H. Nonconforming Landscaping. Premises which, when they were developed, were not required to be developed in accordance with the Landscaping and Buffer Landscaping

Regulations Section of this ordinance, shall be made to conform with this regulation within two years due to the amendment of the map or text of this ordinance.

**ANALYSIS:**

**Surrounding Land Use and Zoning**

The site is situated amid commercial and light industrial uses primarily located on Edith Boulevard to the east and south of the site with low density residential existing primarily to the west of the site. Directly adjacent to the site, on the south, exist a small strip of A-1 zoned property and two large tracts of land that are within the municipal limits zoned Special Use for Industrial Park Uses. The A-1 zoned strip appears to be currently used as a detention pond separating the site from the large industrial park development currently under construction within the Municipal Limits. Directly adjacent to the north and west exist A-1 zoning and a Special Use Permit for a Hospital. This 17.13 acre (approximately) site is vacant and there is currently a request for approval of a Special Use Permit for a Cemetery (CSU-40004).

To the east of Edith Boulevard exist A-1 zoning with a Special Use Permit for an RV Campground and mobile home park (CSU-91-7, CZ-75-5). To the south of the RV campground, exist Special Use Permit for a Feed Store and Livestock Auction; however, the site appears to be mainly residential uses (CSU-70-82).

**Plans**

Policy 4.c of the Albuquerque/Bernalillo County Comprehensive states that, "neighborhood-scale rather than regional-scale commercial centers are appropriate, and mixed-use areas should protect residential uses in the area while offering a variety of local employment opportunities." This request appears to facilitate the Comprehensive Plan in that this commercial use has existed on this site since 1993, does not appear to have had an adverse affect on the adjoining residential property and continues to provide local employment opportunities to the community.

North Valley Area Plan

The site is within the Edith Corridor of the North Valley Area Plan consisting of approximately 847 acres. Of these, approximately 55 acres are in heavy commercial or manufacturing. Most of the non-residential uses are located just south of Paseo Del Norte. The limited commercial activity contributes to the rural residential character of this area, as does the large amount of vacant land. There is a railroad spur up to the North I-25 Corridor that is bordered with zoning for commercial and manufacturing uses and is located in close proximity to the proposed site.

This request is not in significant conflict with the North Valley Area Plan in that this existing contractor's yard is located south of Paseo Del Norte where most of the non-residential uses area situated. In addition, the North Valley Area Plan, Goals and Issues, policy 6, states that existing commercially zoned properties may be developed or redeveloped with commercial uses. The Plan also recognizes that this portion of Edith Boulevard as already having existing commercial uses.



### Zoning Ordinance

It appears that this request is consistent with Resolution 116-86 of the Zoning Ordinance in that the particular use would not have a significant impact on adjacent properties and would be consistent with other uses in the area. It appears that changed neighborhood conditions can be used as a justification for this request as there has been a trend towards mixed commercial/industrial uses and a number of Special Use Permits in the immediate vicinity of the site. The request is also consistent with the North Valley Plan policies that support redevelopment of existing commercially zoned properties as this use has been operating out of this site since 1993.

### Agency Comments

The Zoning Administrator has commented that a landscape setback of at least 15 feet in width is required along Edith Blvd. Landscape setback areas along the northern and southern property lines of at least six (6) feet are necessary, and a minimum of 15% of the paved areas of the entire property are required to be landscaped. A visual of the site revealed that the site is fully landscaped on the property fronting Edith Boulevard as well as within the northern and southern property lines. A six-foot chain link fence currently surrounds the perimeter of the property. The applicant is requesting a waiver of the screening requirements noted by the Zoning Administrator

The Zoning Administrator has also commented regarding the surfacing of the parking areas and that the parking areas be maintained to ensure that these portions of the site are level and functional.

### Analysis Summary

Zoning	
Resolution 116-86	Changed neighborhood conditions have taken place and the use is consistent with other nearby uses along Edith Boulevard.
Plans	
Comprehensive Plan	Use is consistent with Semi-Urban Area designation in that the site protects residential uses in the area, while offering a variety of local employment opportunities.
Area Plan	Use is consistent with the North Valley Area Plan policies regarding redevelopment of commercial properties.
Other Requirements	
Zoning Administrator	Landscaping and Parking Requirements

**Conclusion**

In conclusion, it appears that the request for renewal of the existing Special Use Permit is appropriate. The use has been operating out of this site since 1993 and does not appear to have had a negative impact on adjoining properties. The operation is well maintained and landscaped with a tress and shrubs all along the existing 6-foot chain link fence that exists around the perimeter of the site. The general uses are consistent with the semi-rural character of the area as well as the nearby commercial uses.

**RECOMMENDATION:**

Approval, based on the following Findings and with the Conditions of approval.

Adella Gallegos  
Associate Program Planner

**FINDINGS:**

1. This request is for renewal of a Special Use Permit for a Contractor's Yard on Tract B, Lands of Chapman, located at 6813 Edith Boulevard NE, on the West side of Edith Boulevard, zoned A-1 with a Special Use Permit for a Contractor's Yard and Office Facility, containing approximately 1.89 acres.
2. The property is located in the Semi-Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan and the North Valley Area Plan.
3. This property has had a Contractor's Yard and Office Facility on the site since 1993 (CSU-93-28).
4. This request is consistent with Resolution 116-86 in that the proposed land use is more advantageous to the community in that the North Valley Area Plan Policy 3.c states that the City and County shall promote commercial development and redevelopment of existing commercially-zoned properties.
5. The request is consistent with the health, safety, and general welfare of the resident of the County.
6. This Special Use Permit for a Contractor's Yard (CSU-60032) supercedes the previous Special Use Permit for a Contractor's Yard and Office Facility (CSU-93-28).

**CONDITIONS:**

1. The applicant shall comply with the Bernalillo County Zoning Ordinance, Section 21, for surfacing of parking areas.
2. In the event future residential uses are developed adjacent to the subject site, a solid fence of at least six feet high shall be erected and a six-foot wide landscape buffer within 120 days from the date of residential construction.
3. The applicant shall provide signage details on the revised site plan.
4. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.
5. The "1800 sq. ft. warehouse" noted on the site plan shall be revised to read "1800 sq. ft. storage".
6. The Special Use Permit shall be issued for ten years.
7. A revised site plan consistent with the Conditions of approval shall be submitted for review and approval to the Zoning Administrator within two months after the final Board of County Commissioners' approval.
8. The foregoing conditions shall become effective and shall be strictly complied with immediately upon execution or utilization of any portion of the right and privileges authorized by this Special Use Permit.

## **BERNALILLO COUNTY DEPARTMENT COMMENTS**

### Environmental Health:

1. Water and sewer availability statement has been provided.
2. The on-site wastewater septic tank is permitted with permit HSTL-95161.
3. Proof of drinking water on-site by Public Water. Monthly bill has been provided.
4. Provide a mosquito control plan for the on-site ponding area.

No Adverse comment.

### Fire:

No comment received

### Zoning Administrator:

The general provisions of the Zoning Ordinance require that minimum standards be met for this type of development. These include screening, landscaping, and related property improvements for lot surfacing and maintenance.

Based on the overall size of the site, a landscape setback of at least 15 feet in width is required along Edith Blvd., landscape setback areas along the northern and southern property lines of at least six (6) feet are necessary, and a minimum of 15% of the paved areas of the entire property are required to be landscaped. The buffer areas are required to utilize both deciduous and coniferous trees, shrubs, and ground cover, and must be watered with some sort of an irrigation system. The county strongly encourages the use of low-water plants, trees, and vegetation in these areas.

Parking areas on the site - both off-street spaces and areas to be used for the parking and storage of trucks, automobiles, vehicles and/or equipment - are required to be surfaced with concrete or asphalt, and must be compacted to a depth of at least six (6) inches. Areas dedicated for off-street parking must be appropriately marked and kept free of all vehicles and equipment. Additionally, all surfacing on the property is required to be continually maintained as being level and serviceable for use.

### COMMENTS FOR THE SITE PLAN

The provided area for landscaping appears to be adequate, but additional trees and shrubs are necessary in the buffer along Edith. The use of gravel to surface the areas of the property for parking and storage does not meet the requirement for impervious surfacing as outlined in the ordinance (2" of asphalt/concrete & a 4" compacted subgrade or superior surface). These areas are also required to be maintained by the owner to ensure that these portions of the site are level and functional.

The number of parking spaces appears to be acceptable, as the ordinance requires a minimum of 9 off-street spaces for the office (1 for every 200 sq. ft.), as well as two spaces for each three employees on the maximum working shift for the warehouse activities. Additionally, the parking standards (Sec. 21.A.8.) mandate sufficient spaces for the parking of trucks, equipment and/or other vehicles used in connection with the operation. Although the site plan shows 26 spaces for off-street and truck parking, the use of the 2,400-sq. ft. building in the middle of the lot for equipment storage will help in

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achieving the necessary parking standards. However, it should be conveyed that if approved, the use of this building would be exclusively for the parking of equipment.

Compliance with the screening requirements should be noted as well. A six-foot high solid wall or opaque fence is necessary on the northern and southern property lines; the use of chain-link fencing does not meet this requirement.

Additional clarification and details are needed concerning the existing signage for the property (provided site plan indicates scale, but this does not correspond to drawing), and the use of the "storage trailer" in connection with the activity needs to be specified. Is this a building used for storage of materials and equipment, or a residential structure (i.e., mobile home) used by a watchman/caretaker?

**Zoning Enforcement Manager:**

Must comply with below listed comments. The special use granted in October 26, 1993 expired in October 2000 and as such is in violation. Shall comply with all conditions and applicable zoning requirements if approved. No other comments at this time.

**Building Department Manager:**

No comment received

**Public Works:**

**DRAN:**

1. A grading and drainage plan Case # PWDN 50024 has been approved for this site. This special use application appears to be consistent with the approved grading and drainage plan. No adverse comment.

**DRE**

No adverse comment to this Special Use Permit request.

**Parks & Recreation:**

No comment received

**Sheriff's:**

No comment received

**COMMENTS FROM OTHER AGENCIES**

**MRGCOG:**

No comment.

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AMAFCA:

No comment.

City Planning Department:

No comment received

City Public Works:

Transp. Planning: No comment received

Transp. Development:.

Water Resources: No comment received

City Transit: No comment received

ABCWUA Utility Development Section: No comment received

City Environmental Health:

No comment received

City Open Space:

No comment.

NM Department of Transportation: No Comment

Albuquerque Public School:

No comment received

**NEIGHBORHOOD ASSOCIATIONS:**

Northeast Valley Neighborhood Association

Alameda North Valley Association

Zia Gardens